

### REMARKS

Applicant respectfully requests reconsideration of this application as amended. Claims 1, 82, 91, 93, 95 and 99 have been amended. Claims 2-80, 83-86, 89, 94, 98 and 103 have been cancelled without prejudice. No new claims have been added. Therefore, claims 1, 81-82, 87-88, 90-93, 95-97 and 99-102 are presented for examination.

#### 35 U.S.C. § 112 Rejection

Claim 84 is rejected under 35 U.S.C. § 112 Rejection, second paragraph.

Claim 84 has been cancelled without prejudice.

#### 35 U.S.C. § 102 Rejection

Claims 1, 81, 84, 87,88, 90-92, 95, 96 and 99-101 are rejected under 35 U.S.C. §102(b) as being anticipated by Payton, U.S. Patent No. 5,790,935 ("Payton").

Claim 1, as amended, recites:

A method comprising:

broadcasting first content descriptors to a client, the first content descriptors describing content for broadcast;

prioritizing the content in response to a feedback received from the client, wherein the feedback is automatically generated transparent to the client based on an amount of content consumed by the client;

broadcasting second content descriptors, the second content descriptors describing the prioritized content for broadcast;

broadcasting the prioritized content to the client;

receiving a demand table having rankings of the prioritized content based on user interests, the demand table is created and updated at the client in response to filtering of the prioritized content based on the user interests being performed at the client, wherein the demand table is received in response to a signal received at the client from a server, or the demand table is received automatically at a predetermined time;

refining the prioritized content into demanded content based on the demand table; and

broadcasting the demanded content to the client.

(emphasis added)

As an initial matter, Applicant respectfully disagrees with the Examiner's characterization of the claims and Payton. However, for the sake of expediting issuance of this case, Applicant proposes new amendments to the pending claims along with the following remarks.

Applicant submits that Payton discloses a “*collaborative filtering system [that] synthesizes the preferences of all of the subscribers and then predicts those items that each subscriber might like, and therefore request. Each subscriber is provided with a local storage device for storing, during off-peak hours, items recommended by the collaborative filtering system.*” (Abstract; emphasis added)

In contrast, claim 1, as amended, in pertinent part, recites “receiving a demand table having rankings of the prioritized content based on user interests, the demand table is created and updated at the client in response to filtering of the prioritized content based on the user interests being performed at the client; refining the prioritized content into demanded content based on the demand table; and broadcasting the demanded content to the client.” Payton's collaborative filtering system is not the same as filtering of the prioritized content based on the user interests being performed at the client” or “refining the prioritized content into demanded content based on the demand table; and broadcasting the demanded content to the client” as recited by claim 1.

Claim 1, in pertinent part, further recites “wherein the demand table is received in response to a signal received at the client from a server, or the demand table is received automatically at a predetermined time” (emphasis added). Payton does not teach or reasonably suggest at least these features of claim 1. Accordingly, Applicant respectfully requests the withdrawal of the rejection of claim 1 and its dependent claims.

Claims 91, 95 and 99 contain limitations similar those of claim 1 and thus, Applicant respectfully requests the withdrawal of the rejection of claims 91, 95 and 99

and their dependent claims.

### **35 U.S.C. § 103 Rejection**

Claims 82, 93, 97 and 102 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Payton.

Claims 82, 93, 97 and 102 depend from one of claims 1, 91, 95 and 99 and thus include all the limitations of their base claim. Accordingly, Applicant respectfully requests the withdrawal of the rejection of claims 82, 93, 97 and 102.

### **Conclusion**

In light of the foregoing, reconsideration and allowance of the claims is hereby earnestly requested.

**Invitation for a Telephone Interview**

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

**Request for an Extension of Time**

Applicant respectfully petitions for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

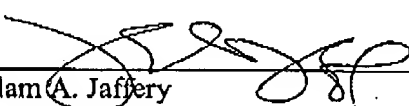
**Charge our Deposit Account**

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

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